FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1174 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Smt.I.M.Koparkar for the petitioner.

Shri D.A.Patil AGP for the State.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. This petition impugns an order passed by the Revenue authority in RTS proceedings. The last order has been passed by the Additional Commissioner, Pune division, Pune in Revision Application No.RTS/SAN/198/2004 on 24.11.2004, by which the present petitioner's revision has been dismissed. Learned AGP points out that the respondents have also filed a suit against the present petitioner bearing

RCC Suit No.16/2004 in the Court of C.J.J.D. Atpadi. The said suit was decided against the present petitioner on 15.9.2004 and the trial Court granted perpetual injunction against the petitioner and other defendants restraining from obstructing the plaintiffs to take the water from the suit well to the extent of their shares. The petitioner has filed RCA 16/2004 against the said decree.

2. In the circumstances, in my view, this is not a fit case for interference in my jurisdiction under Article 227 of the Constitution of India. The petition is dismissed with the observation that if the Court find any right in favour of the petitioner, he will be at liberty to apply afresh on the basis of the same.

(R.S.Mohite,J)